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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,757	04/30/2001	Brian Murren	345708001US	3455
28062	7590	02/08/2005	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			QUELER, ADAM M	
			ART UNIT	PAPER NUMBER

2179

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,757

Applicant(s)

MURREN ET AL.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 11-24 and 40-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 and 25-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

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### **DETAILED ACTION**

1. This action is responsive to communications: Election filed 09/30/2004.
2. Claims 1-49 are pending in the case. Claims 11-24 and 41-49 are withdrawn. Claims 1, 25 and 35 are actively pending independent claims.

#### ***Election/Restrictions***

3. Applicant's election without traverse of Group I, claims 1-10 and 25-40 in the reply filed on 9/30/2004 is acknowledged.

#### ***Drawings***

4. **The drawings are objected to because they appear to be of an informal nature.**  
Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, 4, 7-10, 25-26, 28 and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz (US006623529B1, filed 1/28/1999).**

**Regarding independent claim(s) 1**, Lakritz teaches identifying that a statement can be customized and replacing it with a custom command (col. 26, ll. 25-30). Inherently the statement must be retrieved. Lakritz teaches storing content in a customized content bundle with an identifier (col. 29, ll. 5-42). Lakritz teaches replacing an insert content command having a content identifier with the content from the custom content bundle (col. 31, ll. 15-23). Lakritz does not explicitly disclose the storing of the content in the custom content bundle and replacing the content with the include command. However, this would have been obvious to one of ordinary skill in the art at the time of the invention. Lakritz suggests these steps because it teaches replacing content with a custom command (col. 26, ll. 25-30), including the replace command (col. 31, ll. 15-23). The replace command has a TermDB, or custom content bundle associated with it, and therefore, for the document to maintain the same semantic meaning, the content must be in the custom content bundle. For example, in the cited portions above, exemplified by col. 27, ll. 40-49, the replaced content would be the word "Hello," which is in the custom content bundle (col. 27, ll. 46-47), and "hello" is replaced by "<!--WPReplaceBegin-->hello<!--WPReplaceEnd-->", the insert command (col. 27, ll. 41).

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**Regarding independent claim(s) 25**, the system for performing substantially the same method of claim 1 is rejected under the same rationale.

**Regarding independent claim(s) 35**, Lakritz teaches identifying and determining that a statement can be customized and replacing it with a custom command (col. 26, ll. 25-30).

Inherently the statement must be retrieved. Lakritz teaches storing content in a customized content bundle with an identifier (col. 29, ll. 5-42). Lakritz does not explicitly disclose the storing of the content in the custom content bundle and replacing the content with the include command. However, this would have been obvious to one of ordinary skill in the art at the time of the invention. Lakritz suggests these steps because it teaches replacing content with a custom command (col. 26, ll. 25-30), including the replace command (col. 31, ll. 15-23). The replace command has a TermDB, or custom content bundle associated with it, and therefore, for the document to maintain the same semantic meaning, the content must be in the custom content bundle. For example, in the cited portions above, exemplified by col. 27, ll. 40-49, the replaced content would be the word "Hello," which is in the custom content bundle (col. 27, ll. 46-47), and "hello" is replaced by "<!--WPReplaceBegin-->hello<!--WPReplaceEnd-->", the insert command (col. 27, ll. 41).

**Regarding dependent claim(s) 2, 26 and 36**, Lakritz teaches the program is a server executable web page and the statements are tags (col. 2, ll. 15-26).

**Regarding dependent claim(s) 4 and 28**, Lakritz teaches that tags are HTML tags (col. 27, ll. 41).

**Regarding dependent claim(s) 7, 31 and 37**, Lakritz teaches the content is text (col. 26, ll. 25-30).

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**Regarding dependent claim(s) 8, 32, and 38**, Lakritz teaches language customization (col. 29, ll. 5-42).

**Regarding dependent claim(s) 9, 33, 39**, Lakritz teaches replacing a different custom content then was initially replaced (col. 27, ll. 50-55).

**Regarding dependent claim(s) 10, 34, 40**, Lakritz teaches the custom content represents content in different languages (col. 27, ll. 50-55).

**7. Claims 3, 5, 6, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz as applied to claims 1, 35 and 35 above, and further in view of Pereira et al., "Java Server Pages 1.2", (C) 2000, found at [www.bits-pilani.ac.in/~fx/fxjspbasics.pdf](http://www.bits-pilani.ac.in/~fx/fxjspbasics.pdf).**

**Regarding dependent claim(s) 3 and 27**, Lakritz does not explicitly teach that the tags are custom JSP tags. Pereira teaches using JSP (p. 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to use JSP, therefore having custom JSP tags, as it would have been easy to maintain for large projects (p. 29).

**Regarding dependent claim(s) 5 and 29**, Lakritz does not explicitly teach using JSP. Pereira teaches using JSP (p. 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to use JSP, therefore having custom JSP tags, as it would have been easy to maintain for large projects (p. 29).

**Regarding dependent claim(s) 6 and 30**, Lakritz does not explicitly teach that the page is ASP. Pereira teaches using ASP (p. 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to use ASP, as it is simple to use (p. 29).

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

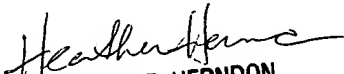
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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